

**REMARKS UNDER 37 CFR § 1.111**

**Formal Matters**

Claims 1-6,9,11-15,17-20,22-27 and 32-50 are pending after entry of the amendments set forth herein.

Claims 1-6,9,11-15,17-20,22-27 and 32-49 were examined. Claims 12, 48 and 49 were rejected. Claims 1-6,9,11-15,17-20,22-27 and 32-47 were allowed.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

**The Office Action**

In the Official Action of December 14, 2005, claim 22 was rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. In particular, the Examiner noted that the word “blade” should be inserted after “retractor”. In response thereto, Applicants have amended claim 22 above in the manner suggested by the Examiner. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 22 under 35 U.S.C. Section 112, second paragraph, as being indefinite, as being no longer appropriate.

Claims 48 and 49 were rejected under 35 U.S.C. Section 102(b) as being anticipated by O’Neal et al., U.S. Patent No. 5,512,038. The Examiner indicated that O’Neal et al. discloses a retractor system comprising a drive mechanism 90/92 (Fig. 1) and first and second extensions 16 extending from the main body, with the first extension being movable relative to the second extension, and first and second retractor blades attached to the first and second extensions via bushings 60.

In response thereto, Applicants respectfully submit that O’Neal et al. discloses retractor blades 12 that are attached to L-shaped holder arms 64 via pins 70. The holder arms 64 are, in turn mounted to arms 16 via bushings 60. Blades 12 are mounted on pins 70 and further provided with screws 80 that are adjustable to adjust the rotational positions or orientations of the blades with regard to the holder arms 64 and arms 16, see, for example, column 5, lines 44-60. Applicants have amended claim 48 above to further recite that the first and second blades recited, when attached, are incapable of rotational displacement with respect to the first and second extensions. It is respectfully submitted that O’Neal et al. fails to disclose such an arrangement, and in fact, teaches away from such an arrangement for the

reasons provided above. Claim 49 depends from claim 48 and it is respectfully submitted that claim 49 therefore also patentable defines over O'Neal et al. for at least the same reasons provided with regard to claim 48. New claim 50 depends from claim 48 and it is respectfully submitted that claim 49 therefore also patentable defines over O'Neal et al. for at least the same reasons provided with regard to claim 48. Further, claim 50 recites that at least one of the recited first and second retractor blades includes a plurality of open slots for receiving a suture therein. It is respectfully submitted that O'Neal et al. neither discloses nor teaches such a feature.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 48 and 49 under 35 U.S.C. Section 102(b) as being anticipated by O'Neal et al., U.S. Patent No. 5,512,038, as being no longer appropriate.

### **Conclusion**

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-2653, order number GUID-012CON.

Respectfully submitted,

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